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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/332,846	06/14/1999	GEORGE W. LANDRY	MPS/30	3404
26875	7590	05/18/2004	EXAMINER	
WOOD, HERRON & EVANS, LLP 2700 CAREW TOWER 441 VINE STREET CINCINNATI, OH 45202			ALVAREZ, RAQUEL	
			ART UNIT	PAPER NUMBER
			3622	

DATE MAILED: 05/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/332,846

Applicant(s)

LANDRY, GEORGE W.

Examiner

Raquel Alvarez

Art Unit

3622

*ML*

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 42-56 and 74-88 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 42-56 and 74-88 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This office action is in response to communication filed on 2/27/2004.
2. Claims 42-56 and 74-88 are presented for examination.

#### **Claim Rejections - 35 USC § 112**

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 42 and 74 recite the limitation "the date" in line 14. There is insufficient antecedent basis for this limitation in the claim.
4. Claim 42 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: subparagraph of claim 42 talks about some desired result regarding the determination of the date of transfer and it is not clear what means/structure or hardware actually does the determination.

#### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 42-56, and 74-99 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawlor.

With respect to claims 42, 43, 46-49, 55, 74, 75, 78-81, 87 Lawlor teaches a bill paying system (Abstract); storage for payee information (Figures 2, 12-14 and col. 20, lines 66-67; col. 33, lines 3-22); storage for payor information, the payor information identifying one or more payees authorized by the payor to receive transfers of funds from the payor, and including control parameters defining the manner in which transfers of funds are to be performed (col. 33, lines 3-7 and the customer pre-selects the bank account wherein the money can be transferred from)(figure 22).

With respect to electronically delivering the bill, since, Lawlor is a computerized billing system then it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included electronically delivering the bill because such a modification would speed the receiving of the bill; the date of the transfer for at least one bill being determined absent payor intervention based on at least one bill data for the bill, stored payor information and stored payee information, without regard to the due dates of other payees (i.e. Lawlor allows for periodic payments based on payor's information. The payor inputs the beginning date and the period based on the bill information(weekly, monthly...) for the bills and then the computer actually calculates the date for payment by itself, the calculation itself being done absent any intervention based on the beginning date and the period(see col. 46, lines 31+).

With respect to a payee communications interface communicating with a payee and receiving for use by the system, bill data electronically delivered from said payee to the bill paying system. Lawlor teaches the payor communicating payee's information into the system, the bill data delivered from bill data from said payee (col. 33, lines 3-22).

With respect to generating an electronic transfer message when transferring funds from a payor to a payee. Since Lawlor teaches that after a payment has been made a confirmation is placed on the payor/user transaction file (col. 34, lines 22-28) then it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included using the posted payment information as an electronic message to the payor in order to alert the customer of the payment made.

With respect to claims 50 and 82, Lawlor further teaches that the payee is identified by an identifier (i.e. identifying a payee by name )(col. 10, lines 66-68).

With respect to claims 52 and 84, Lawlor further teaches storage for bill records corresponding to generated electronic funds transfer messages (Figures 13-21); a payer communication interface presenting stored bill records to a payer so that a payer may review an account of fund transfer activity (Figures 13-21).

With respect to claims 56 and 88, Lawlor further teaches modifying the payee information for the payee in response to the content of the payee control message (i.e. the information for the payee can be reviewed, revised and modified)(Figures 13-21).

Claims 51 and 83 further recite that the stored payor information includes a financial account number that corresponds to a government account. It is obvious and well known for payor to make payments to government's entity as part of a court order or the like. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included a financial account number that corresponds to a government account because such a modification would allow expansion of the system.

Claims 53-54 and 85-86 further recite receiving a reversal from a payer corresponding to a reverseable stored bill record and reversing the of transferring funds that corresponds to the identified reverseable bill record if the reverse request it's received within the provisional time period.

Since, Lawlor teaches that the payor can review and revised previously paid bills (see Figure 17A) then it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included reversing the transfer of funds to reflect the reversal action.

With respect to allowing the reversal if it falls within the provisional time period. It is old and well known for companies to have a tentative period in which the customers

can make changes or cancellations. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included allowing the reversal of the payments if it falls within the provisional time period because such a modification would allow better control of the transaction taken place.

Claims 44 and 76 further recite preventing transfer of funds which exceeds the maximum amount specified by the payor. Lawlor teaches that the payor sets the actual payments amounts and since it is old and well known in the computer related arts to have systems in which an error message is generated to let the user know that the system has encounter a problem and that it cannot proceed then it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have prevent transfer of funds if the amount does not correspond to the amount specified by the payor because such a modification would avoid unspecified transactions.

Claims 45 and 77, Lawlor further teaches preventing transfer of funds which exceeds the minimum date specified by the payor (i.e. the payor establishes the time frame of when the transfer can take place) therefore a minimum date is set of when the transfer of fund can be and can not be processed.

#### **Response to Arguments**

6. A new ground of rejection has been applied and the application is made non-final

in view of Applicant's remarks.

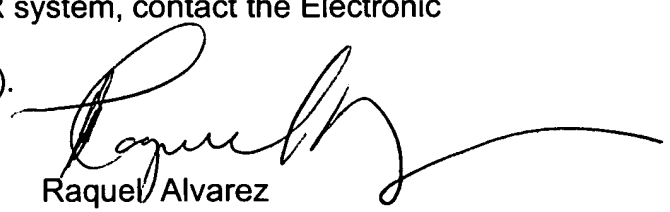
7. The Examiner wants to point out that claims 42 and 74 do not specifically recite "directly" receiving the bill data from the payee.

**Point of contact**

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raquel Alvarez whose telephone number is (703)305-0456. The examiner can normally be reached on 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric w Stamber can be reached on (703)305-8469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Raquel Alvarez  
Examiner  
Art Unit 3622

R.A.  
5/14/04